

ESTTA Tracking number: **ESTTA189770**

Filing date: **01/30/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91180852
Party	Defendant Albaugh, Inc.
Correspondence Address	Adam W. Jones Brown, Winick, Graves, Gross Regency West 5 , 4500 Westown Pkwy. West Des Moines, IA 50266 UNITED STATES ajones@brownwinick.com
Submission	Motion to Extend
Filer's Name	Adam W. Jones
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Signature	/adam jones/
Date	01/30/2008
Attachments	Second Motion to Extend time to Answer Opposition - Pyramid.pdf ( 2 pages (11445 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 76/642,493  
Mark: PYRAMID  
Filing Date: July 11, 2005

<p>BASF AKTEINGESELLSCHAFT,</p> <p style="text-align: right;">Opposer,</p> <p style="text-align: center;">v.</p> <p>ALBAUGH, INC.</p> <p style="text-align: right;">APPLICANT.</p>	
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Opposition: 91180852

**APPLICANT'S SECOND MOTION TO  
EXTEND TIME TO ANSWER  
OPPOSITION**

Applicant, ALBAUGH, INCORPORATED, hereby requests a twenty-nine (29) day extension of time from January 31, 2008, to February 29, 2008, to answer the above identified Opposition.

1. Opposer filed its opposition on November 20, 2007, and notice of the time to answer was mailed to Applicant on November 21, 2007.
2. The forty (40) day period to respond to the opposition ended December 31, 2007.
3. With consent of counsel for Opposer, Applicant requested and was granted an extension of time to respond from December 31, 2007, to January 31, 2008.
4. Applicant is requesting a twenty-nine (29) day extension extending the time to respond from January 31, 2008, to February 29, 2008.
5. On January 28, 2008, Applicant's attorney Adam W. Jones spoke with Opposer's counsel Joyce Ferraro, and Ms. Ferraro agreed to the requested twenty-nine (29) day extension requested herein.
6. Since December 7, 2007, representatives of Applicant had been in discussion with representatives of Opposer concerning settlement and avoidance of an opposition proceeding.

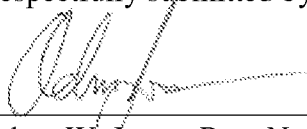
These discussion were unavoidably hampered by the holidays and schedules of corporate decision makers.

7. Applicant needs the extra twenty-nine (29) days in order for the parties to have time to meaningfully discuss settlement both between counsel and internally among corporate decision makers.

8. Applicant believes that the requested extension of twenty-nine (29) days will be sufficient to provide adequate time for the parties to negotiate settlement and that such extension will not unduly delay these proceedings and/or prejudice Opposer.

WHEREFORE, Applicant requests the TTAB grant this motion to extend.

Respectfully submitted by,



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ATTORNEY FOR APPLICANT

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing request for extension of time was served by pre-paid first class mail and e-mail to counsel for Opposer:

Joyce Ferraro  
James D. Weinberger  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza, 6th Floor  
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on this 30th day of January, 2008.



Adam W. Jones